



## City of Sunnyvale

### Meeting Minutes Planning Commission

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Monday, February 10, 2025

7:00 PM

Online and Council Chambers, City Hall,  
456 W. Olive Ave., Sunnyvale, CA 94086

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**No Study Session | Public Hearing - 7:00 PM**

#### **NO STUDY SESSION**

#### **7 P.M. PLANNING COMMISSION MEETING**

#### **CALL TO ORDER**

Chair Iglesias called the meeting to order at 7:00 PM.

#### **SALUTE TO THE FLAG**

Chair Iglesias led the salute to the flag.

#### **ROLL CALL**

**Present:** 7 - Chair Nathan Iglesias  
Vice Chair Galen Kim Davis  
Commissioner Chris Figone  
Commissioner Martin Pyne  
Commissioner Michael Serrone  
Commissioner Neela Shukla  
Commissioner Ilan Sigura

#### **ORAL COMMUNICATIONS**

None.

#### **CONSENT CALENDAR**

There were no public speakers for this agenda item.

**MOTION:** Commissioner Pyne moved and Vice Chair Davis seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

**Yes:** 7 - Chair Iglesias  
Vice Chair Davis  
Commissioner Figone  
Commissioner Pyne  
Commissioner Serrone  
Commissioner Shukla  
Commissioner Sigura

**No:** 0

This decision, as it applies to Agenda Item 1.B, is final unless appealed or called up for review by the City Council by 5:00 PM on Tuesday, February 25, 2025.

**1.A 25-0281** Approve Planning Commission Meeting Minutes of January 27, 2025

Approve Planning Commission Meeting Minutes of January 27, 2025 as submitted.

**1.B 25-0284** **Proposed Project:** Related applications on a 0.14-acre site:

**DESIGN REVIEW:** To allow construction of a 398 square-foot first story addition and 760 square-foot second story addition to an existing one-story single-family home, on a 6,215.62 square-foot lot, resulting in a single-family home of 2,952 square feet and 47.5% Floor Area Ratio (FAR).

**Location:** 721 Harvard Ave (APN: 201-10-001)

**File #:** PLNG-2024-0361

**Zoning:** R-0 (Low Density Residential)

**Applicant / Owner:** Walter Chapman (applicant) / Mark and Briana Tabry (owners)

**Environmental Review:** A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA) provisions.

**Project Planner:** Julia Klein, (408) 730-7463, jklein@sunnyvale.ca.gov

**PUBLIC HEARINGS/GENERAL BUSINESS**

**2. 25-0254** Consider Potential Modifications to Relocation Assistance Requirements for Sunnyvale Municipal Code Chapter 19.71 Residential Tenant Protections Programs and Provide Direction to Staff

Affordable Housing Manager Ernie Defrenchi presented the staff report with an oral presentation.

Commissioner Serrone asked how many no fault, just cause evictions the City has in a typical year. Affordable Housing Manager Defrenchi answered that while the

City does not receive this data, the City has received 20 or fewer calls within the last few years from evicted tenants or property managers ensuring their compliance with applicable regulations.

Commissioner Serrone confirmed with Affordable Housing Manager Defrenchi that in a no fault, just cause eviction due to unit remodeling, the City requires relocation assistance of two months of rent. However, landlords may also consider offering their tenants temporary housing in another available unit to minimize these costs. Affordable Housing Manager Defrenchi elaborated on the added protections offered by Senate Bill 567.

Commissioner Serrone and Affordable Housing Manager Defrenchi discussed the applicable tenant protections in instances where a deed restriction for an affordable housing unit expires.

Commissioner Serrone commented that the target audience for the October outreach meetings may not have been able to attend for various reasons.

At Vice Chair Davis' request, Affordable Housing Manager Defrenchi explained how information on tenant protections is transmitted to both property owners and renters.

Vice Chair Davis confirmed with Affordable Housing Manager Defrenchi that there are no enforcement policies or penalties for landlords who fail to provide the required relocation assistance to their tenants. However, tenants may file a lawsuit against their landlords in small claims court and cite the City's ordinance if they are not provided the relocation assistance they are entitled to.

Commissioner Pyne inquired about the outcome for tenants who were subject to a no fault, just cause eviction and were referred to Project Sentinel by the City. Affordable Housing Manager Defrenchi answered that the City receives few details on the outcome of these cases. He added that survey respondents thought that an additional month of relocation assistance would be beneficial.

Commissioner Shukla and Affordable Housing Manager Defrenchi discussed additional funds that a tenant is allotted to in the event of a no fault, just cause eviction. This includes first and last month's rent and security deposit (if unspent and applicable).

Chair Iglesias confirmed with Affordable Housing Manager Defrenchi that sole

proprietors of single-family homes are exempt from providing relocation assistance.

Chair Iglesias confirmed with Affordable Housing Manager Defrenchi that at the end of the initial twelve-month lease, property owners may choose not to renew their tenants' lease, and this would not be considered an eviction.

Chair Iglesias opened the Public Hearing.

Susan Selna noted that Project Sentinel has additional information on the outcome of tenants subject to a no fault, just cause eviction. Affordable Housing Manager Defrenchi responded that the data provided by Project Sentinel on a quarterly basis includes information related to tenant-landlord mediation and is not individualized.

Chair Iglesias closed the Public Hearing.

Commissioner Serrone and Affordable Housing Manager Defrenchi discussed the similarities and differences between the City ordinance and state law regarding relocation assistance.

Commissioner Pyne shared an anecdote about how he learned who the property owner of his rental unit is.

MOTION: Commissioner Shukla moved and Commissioner Sigura seconded the motion to recommend Alternative 1 to the City Council:

Do not modify Sunnyvale Municipal Code (SMC) Chapter 19.71: Residential Tenant Protections Programs, and keep relocation assistance for no fault, just cause evictions at two months of rent.

Commissioner Shukla spoke in favor of the motion and explained why. She also spoke of ways to better educate tenants on their rights.

Commissioner Serrone voiced his support of the motion and stated why.

Commissioner Pyne expressed that while he will vote in favor of the motion, it would be helpful to receive additional information to discern whether an additional month of relocation assistance is better. He added that the report to City Council would benefit from the inclusion of data on the relocation assistance required by neighboring cities.

Vice Chair Davis spoke in agreement with comments made by Commissioner Pyne. He added that adjustments may be made to the City's policy on relocation assistance for tenants after additional data is available.

Commissioner Serrone agreed that the policy should remain unchanged for now. He also asked whether a landlord may increase rent after evicting a tenant to renovate a rental property. Affordable Housing Manager Defrenchi answered that if the new law does not require first right of refusal at the same rent price, the landlord may increase rent.

Chair Iglesias spoke in overall support of the motion.

The motion carried by the following vote:

**Yes:** 7 - Chair Iglesias  
Vice Chair Davis  
Commissioner Figone  
Commissioner Pyne  
Commissioner Serrone  
Commissioner Shukla  
Commissioner Sigura

**No:** 0

This recommendation will be forwarded to the City Council for consideration at the February 25, 2025 meeting.

3. [25-0107](#) Recommend to City Council:  
**Proposed Project:** Introduce an Ordinance to:  
Amend Title 19 (Zoning) of the Sunnyvale Municipal Code related to recent State Legislation on Accessory Dwelling Units (ADUs).  
**File #:** PLNG-2024-0544  
**Environmental Review:** The action is exempt pursuant to Public Resources Code Section 21080.17 and California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and 15268.  
**Project Planner:** Aastha Vashist, (408) 730-7458,  
avashist@sunnyvale.ca.gov

Senior Planner Aastha Vashist presented the staff report with a slide presentation.

Commissioner Pyne asked about how the City's tree provisions will apply to

Accessory Dwelling Units (ADUs) created pursuant to Government Code section 66323. Senior Planner Vashist responded that while tree provisions serve as a standard condition of approval for ADUs, staff may consult with the California Department of Housing and Community Development (HCD) to verify. She also explained that HCD will only review the City's proposed ordinance upon its adoption by City Council. Senior Assistant City Attorney Sandra Lee added that staff may consult with HCD to determine whether the City's tree replacement standards are considered a development or design standard or a standard condition of approval. Principal Planner George Schroeder also provided context for the inclusion of tree replacement provisions in the proposed ordinance.

Commissioner Pyne noted that Government Code section 66323 (b) does not appear to limit the City's ability to impose standards on local heritage resources.

Commissioner Serrone commented that, in his opinion, ADUs alone will not make a meaningful impact on our affordable housing crisis, but they allow property owners to make improvements on their property.

Commissioner Serrone, regarding Assembly Bill 2533, asked who determines whether unpermitted ADUs constructed before January 1, 2020 pose a threat to the health and safety of the public or occupants of the structure. Senior Planner Aastha Vashist explained that California Health and Safety Code section 17920.3 defines a substandard building and that local agencies must cite which substandard conditions would result in denial of an application for these unpermitted ADUs.

Commissioner Serrone confirmed with Principal Planner Schroeder that property owners decide whether their ADUs will share a power source or water and sewer lines with the main house.

Commissioner Serrone shared that, in his opinion, it is unworkable to have separate owners for the ADU and the main house.

Commissioner Sigura shared his knowledge of ADUs and the requirements they are subject to.

Commissioner Sigura confirmed with Senior Planner Aastha Vashist that while streamlined ADUs are not subject to the City's design requirements, they must still comply with fire and building codes.

Commissioner Sigura confirmed with Senior Planner Aastha Vashist that the proposed ordinance permits up to three ADUs – detached, conversion, and junior ADUs.

Commissioner Sigura proposed that the City follow a process to legalize ADUs and ensure that they undergo an inspection to comply with applicable codes. Senior Planner Aastha Vashist answered that Assembly Bill 2533 addresses the standards that ADUs are subject to and that homeowners may obtain a confidential third party code inspection to conform to those standards.

At Vice Chair Davis' request, Senior Planner Vashist explained how the square footage requirements for ADUs and JADUs were derived.

Vice Chair Davis and Senior Planner Vashist discussed the applicable requirements for both streamlined and non-streamlined ADUs. He also confirmed with Senior Planner Vashist that ADUs exceeding 800 square feet are ministerial and would not require Planning Commission review.

Commissioner Figone and Senior Planner Vashist discussed tree removal provisions where proposed ADUs are concerned. They also discussed the number of ADUs permitted for single- and multi-family homes.

Commissioner Figone asked whether ADUs are subject to Americans with Disability Act (ADA) accessibility requirements. Senior Planner Vashist responded that additional research is required to determine whether ADUs are subject to ADA-accessibility requirements.

Commissioner Figone confirmed with Senior Planner Vashist that, for ADUs built atop a garage, only the square footage of the living space is considered and not that of the garage.

Commissioner Shukla shared her knowledge and background regarding Heritage trees and tree provisions that apply to ADUs. She also confirmed with Senior Planner Vashist that the City of San Jose is the only city within the state which permits the separate sale of ADUs.

At Commissioner Shukla's request, Senior Planner Vashist elaborated on the parking requirements and front, side, and rear setback requirements for streamlined and non-streamlined ADUs.

Chair Iglesias offered some thoughts on the complexities of the ADU permitting process.

Chair Iglesias opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Iglesias closed the Public Hearing.

MOTION: Commissioner Sigura moved and Commissioner Shukla seconded the motion to recommend Alternative 1 to the City Council:

Introduce the Ordinance (Attachment 2) Amending Title 19 (Zoning) of the Sunnyvale Municipal Code on Accessory Dwelling Units and find that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Codes Sections 21080.17 and CEQA Guidelines Sections 15061(b)(3) and 15268.

Commissioner Sigura spoke in support of the motion since it will allow for the creation of more affordable housing opportunities within the City.

Commissioner Shukla voiced her support of the motion and explained the benefits of ADUs in the City.

Commissioner Figone stated that while he is in support of the motion, he has reservations about it.

Vice Chair Davis expressed his support of the motion, commended staff for streamlining the proposed ordinance, and spoke of the benefits that ADUs offer.

Chair Iglesias confirmed his support of the motion and elaborated on his own personal experience with owner-occupied ADUs.

The motion carried by the following vote:

**Yes:** 7 - Chair Iglesias  
Vice Chair Davis  
Commissioner Figone  
Commissioner Pyne  
Commissioner Serrone  
Commissioner Shukla  
Commissioner Sigura

**No:** 0

This recommendation will be forwarded to the City Council for consideration at the March 25, 2025 meeting.

**STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

None.

**INFORMATION ONLY REPORTS/ITEMS**

None.

4. [25-0282](#) Planning Commission Proposed Study Issues, Calendar Year: 2026  
(Information Only)

**NON-AGENDA ITEMS AND COMMENTS**

**-Commissioner Comments**

Vice Chair Davis inquired about the upcoming Planning Commissioners Academy.

**-Staff Comments**

None.

**ADJOURNMENT**

Chair Iglesias adjourned the meeting at 8:43 PM.